



Doc Code: AP.PRE.REQ

PTO/SB/SS (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEWDocket Number (Optional)
1743

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on July 18, 2006

Signature _____

Typed or printed
name Robert J. Irvine IIIApplication Number
10/090,526Filed
03/04/2002First Named Inventor
Baoquan ZhangArt Unit
1743Examiner
Un C. Cho

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)☒ attorney or agent of record.
Registration number 41,865☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

Signature

Robert J. Irvine III

Typed or printed name

312-913-0001

Telephone number

July 18, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

American LegalNet, Inc.
www.USCourtForms.com



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No.1743)

PATENT

In re Application of:)
)
 Baoquan Zhang et al.)
) Group Art Unit: 2617
 Serial No.: 10/090,526)
) Examiner: Un C. Cho
 Filed: March 4, 2002)
)
 For: Method of Locating an Idle Mobile)
 Telecommunication Device)

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicants respectfully request Review of the presently rejected claims due to clear error in the Examiner's rejections due to reliance on references that do meet the claim limitations. This request focuses on the rejections of the pending claims 1-5, and 7-19, which are all rejected only under § 103.

The claimed invention relates to a method of locating an idle mobile unit. The invention includes initiating a call to the mobile unit using a service node. The call is originated from the service node after it receives information regarding the phone number of the lost mobile, and (in some embodiments) receiving authorization that the requester is entitled to receive the tracking information. The call from the service node to the mobile is performed using existing messaging, including having the home MSC locate the mobile, which involves receiving a routing alias in the

form of a TLDN message from the serving MSC, and transmitting an ISUP message from the home MSC to the serving MSC. The serving MSC, then, recognizing the call to have originated from a service node, determines that the call is to generate location information.

The prior art cited by the Examiner does not disclose at least three separate elements of the independent claims 1 and 16. The arguments explaining the deficiencies in the prior art are set out on pages 6-8 of Applicants' "Response" filed on January 31, 2006. In short, the prior art fails to disclose (i) the use of a "facilities available" message containing location information, (ii) initiating a call from a Service Node; and (iii) identifying the call at the serving MSC as a request to locate the mobile.

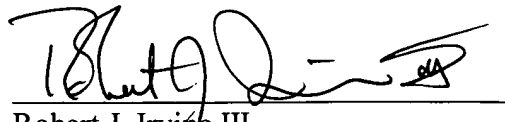
Because the references do not teach or suggest all of the claim limitations of Applicant's claims, Applicant respectfully submits that the pending claims are in condition for allowance. Accordingly, applicant respectfully requests favorable reconsideration and allowance of all of the claims.

Respectfully submitted,

McDonnell Boehnen Hulbert & Berghoff LLP

Dated: July 18, 2006

By:


Robert J. Irvine III
Reg. No. 41,865